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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,291	08/15/2005	Rainer Fritz Robert Doll	P400495	1441
46155	7590	05/18/2007	EXAMINER	
ALEXANDER R SCHLEE SCHLEE IP INTERNATIONAL P.C. 3770 HIGHLAND AVENUE, SUITE 203 MANHATTAN BEACH, CA 90266			TANG, SIGMUND N	
		ART UNIT	PAPER NUMBER	
		2612		
		MAIL DATE	DELIVERY MODE	
		05/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/521,291	DOLL, RAINER FRITZ ROBERT
	<b>Examiner</b>	<b>Art Unit</b>
	Sigmund Tang	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 January 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 7-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9 May 2005, 13 April 2005</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Drawings**

1. The drawings are objected to because Figure 1 is not labeled, "Figure 1". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated over Kirton et al., US Patent No. 6,198,695.

Re Claim 7, Kirton discloses a programmable medical event reminding and monitor device. The device (Kirton, Figure 1) comprises of a housing (22), push buttons that constitutes as a data input unit (25-32) from a user, multi-line display unit (24), alarm part-unit (44 and 48), power supply (53), control unit (42), and a memory unit (46). Said control unit is a microcontroller for controlling any operation counting and comparison of administering times for a user (Kirton, Column 3). Said memory is random access memory inherently including storage registers for the purpose of storing user personal data and times for when a user should administer medicine (Kirton, Column 5 & 6). Said data input unit has 'pause' and 'record' (Kirton, Figure 1, 28 and 31) for function select components, an 'enter' button for an acknowledgement component (25), and 'PREV' and 'NEXT' as scrolling components (30 and 32). Said components are switching elements that assist in the purpose of programming events and reminders for a user (Columns 4-7). Said alarm part-unit includes a sound signaling component (Figure 2, 44), a vibration component (48), and the display (Figure 1, 24) constitutes as a warning light. When an event such as a set time for administering medicine occurs, special information or instructions will be presented on the display, the beeper emits a high pitch audible tone, and alternatively or in conjunction a vibration component will be activated (Kirton, Column 4, Lines 1-25). A user can acknowledge the event by pressing the 'enter' button. If the user does

acknowledge the event, the alarm system will reset (Kirton, Figure 3, 74 & 76, Column 5, Lines 14-40).

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirton et al., US Patent No. 6,198,695 in further view of Lucas, US Patent No. 6,221,010.

Re Claim 8, Kirton's power supply is simply a battery (Kirton, Figure 1, 54) with no supplemental energy store. Lucas discloses a medical supervision and monitoring system wherein the power source is a DC power supply. Said DC power supply is the primary means of power for the device that is coupled to an AC-powered battery charge as a supplementary energy store (Lucas, Column 3, Lines 14-18). A person ordinarily skilled in the art would know to combine the teachings of Lucas and Kirton for the benefit ensuring that a monitoring system is powered so that a patient is ensured to be critically notified when to be administered medicine.

6. Claim 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirton et al., US Patent No. 6,198,695 in further view of Meier, US Patent No. 6,297,745 and Lucas, US Patent No. 6,221,010.

Re Claims 9 and 10, Kirton fails to disclose that the housing of the device is fitted with a fixing component that signals an alarm due to unauthorized remove of the device.

Meier discloses a housing for an alarm that is adapted for mounting on a wall (Meier, ABSTRACT) by connecting a contact switch engaged between a circuit board and a web (Meier, Figure 1; Column 3 Lines 30-67). A person ordinarily skilled would know to combine Meier's teaching of a mountable alarm that activates when removed from a wall with Kirton's teaching for the benefit of protection a device from unauthorized removal (Meier, Column 1, Lines 60-67).

7. Claim 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirton et al., US Patent No. 6,198,695 in further view of Meier, US Patent No. 6,297,745, Lucas, US Patent No. 6,221,010, and Cruitt et al., US Patent 6,934,220.

Re Claims 11-14, Kirton discloses switching elements 'PREV' and 'NEXT' buttons (Kirton, Figure 1, 30 and 32; Column 4, Lines 50-60) for fetching messages from a store location and a 'RECORD' button (Kirton, Figure 1, 31; Lines 35-51) for starting the input of messages stored in memory. Kirton fails to disclose a switching element that is a delete component. Cruitt discloses an invention in the same field of endeavors for providing a medical alert dependent on a set time (Cruitt, ABSTRACT). In Cruitt's inventions, switching elements (Figures 1 & 3, 20 and 22) are used for data input. When the position switch (22) is in a Set Position, pressing and holding a switch (20) deletes all scheduled events from memory. A person ordinarily skilled in the art would know to combine the teachings of Cruitt to Kirton and Meier for the benefit of direct control over set times for alarming a user to administer medicine.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sigmund Tang whose telephone number is 571-270-1243. The examiner can normally be reached on M-F: 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached at 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ST

11 May 2007



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